

**NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS  
2 INDUSTRIAL PARK DRIVE  
CONCORD, NH 03301**

**MEETING MINUTES –May 5, 2008**

The May 5, 2008 meeting of the New Hampshire Board of Dental Examiners convened at 3:00 p.m. with the following members present:

Eliot L. Paisner, DMD, President  
Neil S. Hiltunen, DMD, Vice President  
Gerald A. Smith, DMD  
Marshall Baldassarre, DMD  
Linda M. Seedner, RDH  
Stacy A. Plourde, RDH  
Charles F. Post, DMD  
Ronald J. Hrinda, DMD

Absent:

**IN MEMORIUM**

The Board of Dental Examiners wishes to publicly express its sadness at the recent passing of a Board member, the Honorable Vivian Desmarais, Public Member. Ms. Desmarais brought an acute sense of the public's welfare to her deliberations with the Board. Her presence will be missed.

The Board approved the minutes of April 7, 2008 as amended.

Hearing – 4:00 p.m. – Daniel Vasquez, DDS – Docket # 07-02

The President of the Board, Dr. Eliot L. Paisner (Presiding Officer) commenced a public hearing pursuant to RSA 317-A:17, RSA 317-A:18 and Dental Administrative Rules Den 206 and Den 210. Board members Ronald J. Hrinda, DMD, Gerald A. Smith, DMD and Stacy Plourde, RDH were recused. The issues addressed included whether Dr. Vasquez had failed to comply in full with the conditions of the Board's December 10, 2007 Decision and Order, as set forth in paragraphs 3, 4 and 5, in violation of RSA 317-A:17, II (j), and if such allegations were proven, whether and to what extent, Dr. Vasquez should be subjected to one or more of the disciplinary sanctions authorized by RSA 317-A:17, III.

No witnesses were presented. Hearing counsel submitted 5 exhibits. Dr. Vasquez submitted 1 exhibit. Dr. Vasquez appeared without counsel and testified pro se. Dr. Vasquez plead true to the allegation that he did not comply in full with the Decision and Order.

Dr. Paisner closed the hearing at 4:57 p.m.

## ADMINISTRATIVE

1. Statutes and Rules
  - a. Statutory Proposals
    - 1) HB 1208 Independent Dental Hygiene Practice – Voted inexpedient to legislate;
    - 2) SB 393 Independent Dental Hygiene Practice – Tabled by the Senate;
    - 3) HB 1487 Advanced Dental Hygiene Practitioner – House passed amended bill. The bill would create a commission to study ways of improving access to oral health care; and
    - 4) SB 404 Dental Residencies – This bill has been sent to the Governor for his signature.
  - b. Rule Proposals
    - 1) 2008-I – A public hearing will be held on June 2, 2008 to address this package of rules. It addresses licensure, sedation and the qualifications of dental auxiliaries, among other items.
    - 2) 2008-II – This package of rules is being drafted.
2. Professional Assistance Program – The Board approved a proposal submitted by the New Hampshire Professionals Health Program for the establishment of a dental professional assistance program pursuant to RSA 317-A:4 I (e) and RSA 317-A:17 III (c). This was the only proposal received in reply to the Board's Request for Proposal.
3. Tooth Whitening Mall Kiosks – Informational. The Board has referred this matter to the Administrative Protection Unit (APU). There are several issues including whether tooth whitening as practiced in malls and spas compromises patient safety.
4. Sedation –
  - a. The Dental Organization for Conscious Sedation ("DOCS") has distributed a flyer to New Hampshire dentists. The Board is concerned about the flyer and will consult its legal counsel about the issues.
  - b. In answer to a question from the DOCS regulatory counsel the Board voted to reply that it has not adopted all the American Dental Association guidelines regarding sedation.
  - c. In answer to a question as to whether a practitioner with a sedation permit could visit another practitioner's office to administer sedation, the Board concluded that both practitioners would need a permit and both facilities would need to be inspected.
5. Laser Use – In answer to an inquiry about the use of lasers, the Board will reply that dentists and dental auxiliaries are restricted by the Dental Practice Act (RSA 317-A) and the dental administrative rules to those duties for which they are qualified by training and experience. Duties are regulated, not techniques or instrumentation.

6. BOTOX – In answer to an inquiry asking whether dentists in New Hampshire may use BOTOX and dermal fillers for elective cosmetic procedures, the answer is yes, if the practitioner confines the procedure to the oral and maxillofacial regions and is qualified by training and experience to perform the procedure.
7. Radiographs – The Board has no requirements regarding dental radiographs other than (a) those who make them must be qualified according to the Board's rules, (b) the radiographs should be of diagnostic quality, and (c) they shall be retained as part of the dental record.
8. Oraqix – Hygienists do not need special certification to apply the topical anesthetic Oraqix. It may be applied under general supervision, pursuant to Den 402.01 Hygienists' Duties.
9. Informational
  - a. FY 09 Budget
  - b. AGD Transcript
  - c. Joint Commission
  - d. Refusal to provide patients their records – The Board voted to consult counsel about developing a standard hearing notice to help address this problem.
  - e. Biennial Registration Update

## **QUALIFICATION AND LICENSURE**

### 1. Anesthesia Permit Application

The Board voted to grant a general anesthesia/deep sedation permit to Dr. Yong-Han Koo.

### 2. Dental Licensure

The Board voted to grant a waiver of the late registration fee to Dr. William T. Pike.

### 3. Hygienist Application Approved

Karen A. Carreiro, RDH

4. Dental Application Approved

Matthew D. Lann, DDS  
Eric M. Katzmann, DMD  
Palwinder Kaur-Panesar, DDS  
Thomas Montemurno, DMD  
Fiza Singh, DDS  
Hui Huang, DMD

Members of the Board voted unanimously unless otherwise indicated.

Members of the Board voted unanimously to go into non-public session for the purpose of discussing investigations of alleged licensee misconduct, noting that such a non-public session is authorized by RSA 91-A:3 and the Board's executive and deliberative privileges.

Raymond J. Jarvis, DMD  
Executive Secretary